

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INIAN HARBOR INSURANCE COMPANY, :
: Plaintiff, : Case No. 12 CIV 5787 (JGK)
-against- :
THE CITY OF SAN DIEGO, :
: Defendant. :
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INIAN HARBOR INSURANCE COMPANY, :
: Plaintiff, :
-against- : Case No. 13 CIV 3426 (JGK)
CSAC EXCESS INSURANCE AUTHORITY and :
INSURANCE COMPANY OF THE STATE OF :
PENNSYLVANIA, :
: Defendant :
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NOTICE OF MOTION TO CONSOLIDATE RELATED CASES

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 42(a) Indian Harbor Insurance Company (“Indian Harbor”) hereby moves this Court to consolidate two actions pending in front of Judge Koeltl entitled *Indian Harbor Insurance Company v. the City of San Diego*, Case No. 12 Civ. 5787 (the “San Diego Action”) and *Indian Harbor Insurance Company v. CSAC Excess Insurance Authority, et al.*, Case No. 13 Civ. 3426 (the “CSAC Action”) as the matters involve common questions of law and fact.

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This motion is based on this Motion, the Memorandum of Law, and the Declaration of Jessica A. Bohl, all served concurrently herewith, and on all papers and pleadings on file herein.

Dated: May 30, 2013

DUANE MORRIS LLP

Attorneys for Plaintiff Indian Harbor Insurance
Company

By: /s/ Jessica A. Bohl

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